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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNTAESA S. CARPENTER,

Defendant and Appellant.

H045747

(Santa Clara County

Super. Ct. Nos. C1760960, B1791248)

Defendant Johntaesa S. Carpenter has filed a timely notice of appeal following a plea of no contest and issuance of a certificate of probable cause. Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) on behalf of defendant. Defendant was notified of her right to submit written argument on her own behalf, but she has failed to avail herself of the opportunity. We affirm the judgment.

**I. Factual and Procedural Background**

On March 17, 2017, an officer with the Palo Alto Police Department was pursuing defendant as she drove away from the Stanford Shopping Center. The passengers in her vehicle had committed some thefts and they insisted that defendant continue driving because they were on parole. The passengers were also identified as gang members. The officer lost sight of defendant's vehicle, but was flagged down by pedestrians who saw

defendant's vehicle strike and drive over a bicyclist. When defendant was located, she admitted that she had hit the victim. The victim suffered several fractures and some internal injuries.

Five days later, defendant was charged by complaint in case No. B1791248 with: assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1))<sup>1</sup> with enhancements for personally inflicting great bodily injury (§§ 12022.7, subd. (a), 1203, subd. (e)(3)) and committing the offense to assist or further a criminal street gang (§ 186.22, subd. (b)(1)(C)); hit and run causing serious bodily injury (Veh. Code, § 20001, subds. (a) & (b)) with the same enhancements; and recklessly evading an officer leading to serious bodily injury (Veh. Code, § 2800.3) with the same enhancements; and resisting arrest (§ 148, subd. (a)(1)) with a gang enhancement (§ 186.22, subd. (d)).

On April 1, 2017, defendant and two others entered a store, removed \$6,800 worth of items, and put them in bags. When store employees told them that the police were coming, they attempted to flee. They were eventually arrested and the property was recovered.

Three days later, defendant was charged by complaint in case No. C1760960 with two counts of second degree burglary (§§ 459, 460, subd. (b)) and an on-bail enhancement (§ 12022.1).

At the change of plea hearing in September 2017, the prosecutor set forth the negotiated plea agreement for both cases. Defendant would plead no contest to reckless evading an officer leading to serious bodily injury and admit the great bodily injury and gang enhancements in case No. B1791248 in exchange for a maximum sentence of 10 years and dismissal of the other charges and allegations. Defendant would also plead no contest to one count of second degree burglary and admit the on-bail enhancement in case

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise stated.

No. C1760960 in exchange for a maximum sentence of two years, eight months and dismissal of the other count of second degree burglary.

The trial court reviewed the advisement of rights and plea form that defendant had completed. Defendant acknowledged that she had reviewed the form with her attorney. She stated that she had read and understood everything that she had initialed and that she had signed the form. The trial court advised defendant of the maximum sentence, potential immigration consequences as well as her rights to a jury trial, to cross-examine witnesses, to remain silent or to testify on her own behalf, to present defense evidence, and to a preliminary hearing. After defendant stated that she understood her rights, she waived them. In response to questioning from the trial court, defendant indicated that she understood that she was pleading to a strike conviction, was entering into the negotiated agreement only for her own benefit, and had not consumed any substance that affected her ability to understand the waiver form or the current proceedings. She also acknowledged that no one had made any promises to her or threatened her, and her attorney was able to answer all of her questions. The parties stipulated to a factual basis for the plea. Defendant pleaded no contest to reckless evading an officer leading to serious bodily injury and admitted the great bodily injury and gang enhancements in case No. B1791248. Defendant also pleaded no contest to second degree burglary and admitted the on-bail enhancement in case No. C1760960.

After the probation officer recommended a prison sentence, defendant brought a motion to withdraw her plea in both cases. She believed that she would be placed on probation and released at the sentencing hearing. The trial court denied the motion. The trial sentenced defendant to seven years in state prison in case No. B1791248 and a consecutive eight month term in case No. C1760960.

Pursuant to *Wende, supra*, 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

## **II. Disposition**

The judgment is affirmed.

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Mihara, J.

WE CONCUR:

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Elia, Acting P. J.

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Grover, J.

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